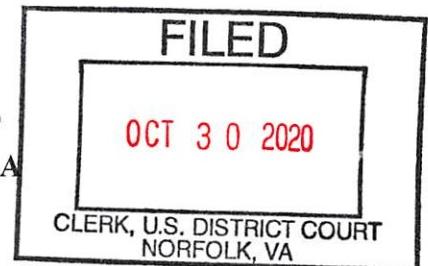


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

GUAMAR BAFEL DENG, #A028192263 ,



Petitioner,

v.

ACTION NO. 2:20cv199

JEFFERY CRAWFORD, et al.,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner Guamar Bafel Deng (“Petitioner” or “Deng”) has been held in federal immigration detention at the Immigration Center of America Farmville Detention Center for more than one year. His petition alleges that his continued detention under 8 U.S.C. § 1226(c) without a bond hearing violates the Due Process Clause of the Fifth Amendment to the United States Constitution and he seeks immediate release from detention or an expedited bond hearing. Prior to any court action on the petition, Deng moved to amend his petition to include additional party respondents.¹ The Government opposed both the motion to add parties and Deng’s request for a bond hearing.

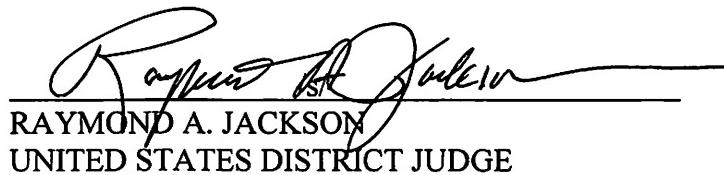
The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report of the Magistrate Judge was filed on September 30, 2020, recommending the court deny Deng’s Motion for Leave to Amend his Amended Petition to include additional party respondents, but grant his Amended Petition for a writ

¹ Deng initiated the proceedings pro se but is now represented by counsel.

of habeas corpus and order a bond hearing, for which the government shall bear the burden of justifying his continued detention by clear and convincing evidence. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On October 13, 2020, the court received Deng's Objections only to that portion of the Report recommending denial of his request to include additional party respondents. On October 27, 2020, Respondent filed its response to Petitioner's Objections, urging the court to deny Petitioner's motion to include additional party respondents. Neither party objected to the recommendation that Deng receive an individualized bond hearing.

The court, having reviewed the record and examined the objections filed by the petitioner to the Magistrate Judge's Report and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed September 30, 2020, and it is, therefore, ORDERED that Petitioner's Motion for Leave to Amend his Amended Petition to include additional party respondents is DENIED. It is further ORDERED that Petitioner's Amended Petition for a writ of habeas corpus is GRANTED and DIRECTS that within thirty (30) days of the date of this Order Petitioner be given a bond hearing at which the government shall bear the burden of justifying his continued detention by clear and convincing evidence.

The Clerk shall provide an electronic copy of this Final Order to all counsel of record.



RAYMOND A. JACKSON
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
October 30, 2020